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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SMITH & WESSON BRANDS, INC.,
SMITH & WESSON, INC.,

Plaintiffs,

vs.

SW NORTH AMERICA, INC.,

Defendant.

Case No. 2:22-cv-01773-JCM-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[FOURTH REQUEST]

AND ALL RELATED CLAIMS

Pursuant to LR IA 6-1, LR 7-1, and LR 26-3, Plaintiffs SMITH & WESSON BRANDS, INC. and SMITH & WESSON, INC. (“Plaintiffs”) and Defendant SW NORTH AMERICA, INC. (“Defendant”), by and through their respective counsel, stipulate to extend the dates set forth in the Joint Amended Discovery Plan and Scheduling Order [ECF No. 71] by sixty (60) days, up to and including *April 12, 2024*. This stipulation is the parties’ fourth requested extension of dates. In support of this stipulation and request, the parties state as follows:

1 **A. DISCOVERY COMPLETED**

2 Plaintiffs' Initial Disclosures were served on January 31, 2023.

3 Defendant's Initial Disclosures also were served on January 31, 2023.

4 On March 15, 2023, Plaintiffs served a First Set of Interrogatories and a First Set of Requests
5 for Production. Defendant served Objections and Answers to Plaintiffs' First Set of Interrogatories,
6 Objections and Responses to Plaintiffs' First Set of Requests for Production, and a Privilege Log on
7 May 8, 2023.

8 On April 5, 2023, Defendant served a First Set of Interrogatories to Plaintiff Smith &
9 Wesson, Inc., a First Set of Interrogatories to Plaintiff Smith & Wesson Brands, Inc., and a First Set
10 of Requests for Production to Plaintiffs. Plaintiffs served Responses and Objections to Defendant's
11 First Set of Interrogatories to Plaintiff Smith & Wesson, Inc., Responses and Objections to
12 Defendant's First Set of Interrogatories to Plaintiff Smith & Wesson Brands, Inc., and Responses
13 and Objections to Defendant's First Set of Requests for Production to Plaintiff on May 31, 2023.

14 Pursuant to a June 5, 2023 Order [ECF No. 62] granting the parties' Joint Motion for Partial
15 Stay of Discovery [ECF No. 61], expert discovery and all depositions were stayed pending the
16 Court's resolution of Defendant's Motion to Dismiss [ECF No. 52]. The Order resolving the Motion
17 to Dismiss was entered July 5, 2023 [ECF No. 63]. Since that time, counsel for the parties have met
18 and conferred regarding the parties' respective written discovery responses and document
19 productions. Those meetings led to settlement discussions between the parties, which as discussed
20 below, have significantly progressed.

21 **B. DISCOVERY THAT REMAINS TO BE COMPLETED**

22 Initial and rebuttal expert witness disclosures and depositions.

23 Party and percipient witness depositions.

24 Additional written discovery.

25 Third-party subpoenas.

C. REASONS WHY ADDITIONAL TIME IS NEEDED

The parties are engaged in settlement negotiations, with counsel for the parties meeting on a weekly basis for the last month and exchanging regular email communications regarding settlement terms. The parties request an extension of all current deadlines to accommodate these ongoing negotiations, which will obviate the need for further discovery and dispositive motions if successful.

If the parties are unable to agree upon a settlement within the time requested herein, they will resume and complete discovery and file dispositive motions by the ~~proposed~~ deadlines.

This fourth request for an extension of time is not sought for delay or any other improper purpose. Rather, the parties seek this extension solely to allow sufficient time for settlement negotiations and, if necessary, to complete discovery and prepare their respective cases for trial. The parties respectfully submit that the reasons set forth above constitute compelling reasons for the requested extension.

The following is a list of the current discovery deadlines and the parties' ~~proposed~~ extended deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Amend Pleadings or Add Parties	<i>May 15, 2023</i>	<i>Closed</i>
Expert Disclosure pursuant to FRCP 26 (a)(2)	<i>December 13, 2023</i>	<i>February 12, 2024</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>January 12, 2024</i>	<i>March 13, 2024</i>
Discovery Cut-off	<i>February 12, 2024</i>	<i>April 12, 2024</i>
Dispositive Motions	<i>March 18, 2024</i>	<i>May 13, 2024</i>
Pretrial Order ¹	<i>April 18, 2024</i>	<i>June 12, 2024</i>

¹ In the event that dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision on the dispositive motions or until further order of the Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections to them must be included in the joint pretrial order.

WHEREFORE, the parties respectfully request that this Court extend the discovery period by sixty (60) days from the current deadline of February 12, 2024, up to and including April 12, 2024, and the other dates as outlined in accordance with the table above.

Dated: November 15, 2023

Dated: November 15, 2023

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/s/ Hara K. Jacobs

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ORDER

IT IS SO ORDERED.


U.S. MAGISTRATE JUDGE

DATED: November 15, 2023